

❖ UNIT 1-Human Rights- Violation & Redressal

- Human rights are the rights that an individual can avail and enjoy, by virtue of being born as a human being.
- **Definition:**

The Universal Declaration Human Rights (UDHR 1948) defines ‘human rights’ as “ Rights derived from the inherent dignity of the human person.”



Human rights enjoyed by human being are as follows:

- The right to life;
- The right to liberty and security;
- The right not to be submitted to slavery, servitude, forced labor or bonded labor;
- The right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment;
- The right to be free from gendered violence;
- The right to freedom of association;

- The right to freedom of movement;
 - The right to the highest attainable standard of physical and mental health;
 - The right to just and favorable conditions of work;
 - The right to an adequate standard of living;
 - The right to social security; and
 - The right of children to special protection.
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- <https://www.youtube.com/watch?v=ahE0tJbvl78>

❖ HUMAN RIGHTS OF VULNERABLE GROUPS IN INDIA:-

- There are at least 12 vulnerable groups in India.
- In this section, we will be learning violation & redressal mechanism for rights of following vulnerable groups :-
 - Population belonging to SC (Scheduled Caste) category
 - Population belonging to ST (Scheduled Tribe) category
 - Women
 - Children
 - Senior Citizens
 - Minorities
 - Disabled/Handicapped People



❖ Scheduled Castes

Meaning:-

- The Scheduled castes are the backward class of citizens disadvantage people in India.
- Scheduled castes are the official name given in India to the lowest caste, considered ‘untouchable’ in orthodox Hindu scriptures and practice, officially regarded as socially disadvantaged.
- **Article 340** of Indian Constitution has reference of SC’s & ST’s with respect to any state/Union Territory.

I. CONSTITUTIONAL RIGHTS :

1. Social Safeguards :

- **Article 15(1)** states that “ the state shall not discriminate against any citizens on grounds of religion, race, castes, sex or place of birth”.

- **Article 15(2)** states that every person shall have equal access to public places like public places like parks, museum, wells, bathing ghats, temples that are maintained out of state funds.
- **Article 17** relates to abolition of untouchability being practiced in society.
- **Article 25(2)(b)** provides that Hindu religious institutions of a public character shall be opened to all classes and sections of Hindus.
- The term Hindu includes persons professing Sikh, Jain, and Buddhist religion.

2. Economic Safeguards:

- **Article 23** provides for abolition of traffic in human being and ‘begar’ (forced labour, usually without payment or bonded labour) and other forms of forced labour.
- **Begar** was practiced by the landlords has been declared as a crime and punishable by law .
- **Article 24** states that “ no child below the age of 14 years shall be employed to work in any factory or mine”.

3. Educational and cultural Safeguards:

- **Article 15(4)** empowers state to make any special provisions for advancement of weaker section of the society.

- **Article 46** directs the state to protect the educational interest of weaker section of the society.
- **Article 335** allows relaxation in qualifying marks for admission in educational institutes (College or university).
- ✓ **Example:** Percentage Criteria for NET exam
- ❖ ST/ SC/ (Including candidates waiting for their PG Final Year result or going to be appeared in the exam) 50% aggregate in Master's Degree or Equivalent Degree whereas for open its 55 %.

4. Political safeguards:

- **Article 243D** states that seats shall be reserved for SC/ST in the village panchayats.
- **Article 243T** states that seats shall be reserved for SC/ST in municipals councils/corporations.
- **Article 330** states that seats shall be reserved for SC/ST in the Lok sabha.



5. Service Safeguards:-

- **Article 16(4)** states that state may reserve posts for backward class people to uplift weaker section of the society.
- **Article 16 (4A)** allows the state to implement reservation in the matter of promotions for SCs and STs

II. LEGAL RIGHTS:

1. **The untouchability offence Act,1955:** it provides penalty for preventing person from entering into a place of worship or from taking water from a public well.



2. **Bonded labour System (Abolition) Act, 1976 :** identification liberation and rehabilitation of bonded labour.



3. **The child labour (Prohibition and Regulation) Act, 1986:** to prohibit the employment of children in certain occupations.



4. **Scheduled castes and scheduled Tribes (Prevention of atrocities) Act 1989:** to prevent atrocities against SC/ST employment of manual scavengers and construction of dry latrines.

- " **Atrocity**" means an offence punishable under Sec 3(ii) acts with intent to cause injury, insult or annoyance to any member of a SC or ST.

FORMS OF VOILATIONS OF RIGHTS OF SCs

1. **Problem of untouchability:** Act of preventing person from entering into a place of worship or from taking water from a public well.
2. **Economic exploitation :** In rural India, SCs face economic exploitation on account of their illiteracy, poverty.
✓ **Example:** The landlords exploit weaker sections by making them work or longer hours at low wages.
3. **Bonded labor:** forced SCs to work as ‘begar’(forced labour, usually without payment or bonded labour) and other forms of forced labour.

4. Discrimination at school: SC children's were forced to sit at distance from upper class student. SC students are forced to do work like cleaning school, wash utensils. Teachers also don't pay attention towards SC children's education.

✓ **Example:** According to a study conducted in 2012, only 22% of Dalit students sit in the relatively in front rows with 78% of them sitting in the back rows only.



5. Assault on women : Physical attack on women with intention to dishonor or insult women of SCs.

✓ **Example:** Rape, domestic violence, sexual harassment, acid throwing on SC women.

6. **Insulting human dignity:** Parade nude or with painted face, body for insulting the human dignity of SCs.
7. **Forceful eviction:** Forcibly evicting (removing) the SCs from their land or premises or interfering with the enjoyment of his/her rights over any land, premise or water.
8. **Inhuman acts:** this acts undertaken with intention to cause injury, insult members of SCs.
 - ✓ **Example:** Dumping of excreta, waste matter, carcasses of dead animals in their premises.
 - ❖ Forcing members of SCs to drink or eat any inedible substances such as urine, dead animals, rotten vegetables/ food grains.

9. Denial from voting:

✓ **Example:** Munnalal belonging to SC was beaten to death in Agra in march 2012 for refusing to vote for a particular party candidate during elections.

10. Humiliation: Insulting members of SCs with intention to humiliate at work place or Public place.

11. Destruction of property: Burning of houses or property belonging to SCs.

✓ **Example:** Caste atrocity in Lathor, Orissa. More than 50 houses were burnt by upper castes in January 2012.

12. Murders: Murders and killings of members of SCs.

<https://www.youtube.com/watch?v=bJLKqPPCtN8&t=216s>

Crime against SC increased by 7% in 2019 as compared to 2013 – NCRB

- 2019 to 2020 increased by 9.4%
- Highest rape cases (SC) – Rajasthan – 554, UP – 537, MP – 510 (NCRB)
- UP recorded highest number of crimes – 11829, Rajasthan – 6794, Bihar - 6544

CASE STUDY- Chitralkha 39 years (Kerala)- first Dalit women to drive an auto rickshaw (2005) – taunted and threatened violence – autorickshaw was set on ablaze (2013) – new autorickshaw gifted by district collector – this was also destroyed (2015) – her son was humiliated and forced to drop out of school after class 8.

- It was one of the numerous crimes reported against Dalit, lowest of Hindu castes – many such cases are reported in Uttarkhand, Haryana and Karnataka.

❖ SCHEDULED TRIBES

Meaning: Article 366(25) of Constitution of India defines ST as “ Such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purpose of this constitution.”

Constitutional and legal rights of scheduled Tribes

I. CONSTITUTIONAL RIGHTS :

1. Social Safeguards :

- **Article 15(1):-** states that “ the state shall not discriminate against any citizens on grounds of religion, race, castes, sex or place of birth”.



- **Article 15(2):-** states that every person shall have equal access to public places like parks, museum, wells, bathing ghats, Temples maintained out of state funds.
- **Article 17:-** relates to abolition of untouchability being practiced in society.
- **Article 25(2)(b):-** provides that Hindu religious institutions of a public character shall be opened to all classes and sections of Hindus. The term **Hindu** includes persons professing Sikh, Jain, and Buddhist religion.
- **Article 19(5) :-** Safeguards Tribal Rights of free movement throughout Indian Territory.

2. Economic Safeguards:

- **Article 23** provides for abolition of trafficking human beings and ‘begar’(forced labour, usually without payment or bonded labour and other forms of forced labour.
- **Begar** was practiced by the landlords has been declared as a crime and punishable by law .
- **Article 24** states that “ no child below the age of 14 years shall be employed to work in any factory or mine”.

3. Educational and cultural Safeguards:

- **Article 15(4)** empowers state to make any special provisions for advancement of weaker sections of the society.
- **Article 46** directs the state to protect the educational interest of weaker sections of the society.
- **Article 335** allows relaxation in qualifying marks for admission in educational institutes (College or university) & also for making appointment for Centre/State Public Services.
- **Example:** Percentage Criteria for NET exam
- ST/ SC/ (Including candidates waiting for their PG Final Year result or going to be appeared in the exam) 50% aggregate in Master's Degree or Equivalent Degree whereas for open its 55 %.

4. Political safeguards:

Article 164(1):- Provides for Tribal Affairs Ministers in Bihar, MP and Orissa;

Article 243D states that seats shall be reserved for SC/ST in the village panchayats.

Article 243T states that seats shall be reserved for SC/ST in municipals councils/corporations.

Article 330 states that seats shall be reserved for SC/ST in the Lok sabha.



5. Service Safeguards:

Article 16(4) states that state may reserve posts for backward class people in order to uplift weaker sections of the society.

Article 16 (4A) allows the state to implement reservation in the matter of promotions for SCs and STs

II. LEGAL RIGHTS:

- 1. Bonded labour System (Abolition) Act, 1976 :** identification liberation and rehabilitation of bonded labour.
- 2. The child labour (Prohibition and Regulation) Act, 1986:** to prohibit the employment of children in certain occupations.

3. Scheduled castes and scheduled Tribes (Prevention of atrocities) Act 1989: to prevent atrocities against SC/ST employment of manual scavengers and construction of dry latrines.

" **Atrocity**" means an offence punishable under Sec 3(ii) . These are acts with intent to cause injury, insult or annoyance to any member of a SC or ST.



- 4. Scheduled caste and other Traditional Forest dwellers (Recognition of forest Rights) Act 2006 :** In 2006, the Government of India introduced this act to protect the interests of ST and other forest dwellers. This Act aims to recognize the forest rights of the STs and others living in the forests for generations.

- 5. Forest conservation Act ,1980 :** This act helps to conserve the country's forest. It strictly restricts and regulates the de-reservation of forest or use of forest land for non forest purpose without prior approval from central government .This is beneficial to STs and other living beings in forest areas.

❖ **FORMS OF VIOLATIONS OF RIGHTS OF SCHEDULED TRIBES**

- 1. Economic exploitation and bonded labour :** like SC's , the STs are exploited by landlords and money lenders. Due to displacement , ST work as landless laborers at the mercy of landlords. Landlords exploit them by making them to work for low wages . They also charge high interest rates on loan taken by STs.
- 2. Discrimination in allocation of disaster related relief:** there are number of cases of discrimination by government authorities in allocation of disaster related relief fund of the STs . Sometimes they get low relief as compared to upper castes . Many times they do no get any relief fund at all.

- 3. Displacement** : since independence 1947, India has been undertaking development projects to improve the quality of life ,such projects include dams ,power , mining ,transport network which result in displacement of people from their original place of habitation.
- 4. Land Alienation** : The Land Acquisition Act of 1894 provide government right to take away land of tribals for public purpose such as building dams. Some non-tribals have illegally occupied thousands of acres of land belonging to the tribals by force.
- 5. Failure to ensure forest rights** : The national forest policy of 1988 recognizes symbolic relationship between forest and tribal people yet, when the forest conservation Act, 1980 came into force thousand of tribals have left their lands they had been living for generations. Failure in implementing Schedule Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006 in most of the states.

6. **Status of De-notified Tribal Groups:** The Government of India has identified some tribal groups as ‘habitual offenders’ means those who are repeatedly doing offence or crimes, under the habitual offenders Act, 1952.
7. **Health problems and Malnutrition:** Tribal face the problem of poor health and malnutrition. Over 50 % of ST children suffer from problem of malnutrition. Due to poor health and malnutrition, the infant mortality rate of STs is higher.

- According to the fourth National Family Health Survey

Category	Stunted (%)	Wasted (%)	Underweight (%)
Scheduled Caste	42.8	21.2	39.1
Scheduled Tribe	43.8	27.4	45.3
Other Backward Class	38.7	20.5	35.5
Other (General)	31.2	19.0	28.8

8. Other Violations

- Assault on Women (Physical, sexual, emotional in nature).
- Murders and killings of members of STs.
- Discrimination at school of children belonging to STs

9. Status of Particularly Vulnerable Tribal Groups (PVTGs) : Many of the PVTGs are on the verge of extinction. According to the census of 1991, there were only 24 Sentinelese, 32 Great Andamanese, 89 Jarawa, 101 Onge and 131 Shom Pen. Although there are specific programmes meant for the development of the PVTGs yet there implementation has been poor because the government has failed to establish independent monitoring mechanism.

10. Victims of Naxalite Conflicts: According to Ministry of Home Affairs, in 2016, 10 states were afflicted by Naxalite conflicts. Neither the Naxalite movement is led by the tribals nor do the demands of the Naxalites relate to the tribals. They serve as collateral in the conflict between the Government and the Naxals.

- Crime rate increased –
- 2018 to 2019 - ----- 26%
- 2019 to 2020 ----- 9.3%
- Top three states –
- Kerala 26.8%, Rajasthan 20.3%, Telangana – 17.4%, Madhya Pradesh 15%

❖ REDRESSAL MECHANISM FOR SCHEDULED CASTES AND SCHEDULED TRIBES

- **Article 32** and **Article 226** recognized every individual's rights to seek redressal (remedy or compensation) from court if rights are violated.
- **Article 32** : state that an individual is deprived of his fundamental right he can move to the supreme court and seek justice
- **Article 226** : empowers every high court to issue the writs (a form of written command in the name of a court) and can accept writ petition from person whose rights are violated.
- **Article 340** :-Allows President to appoint commission to investigate the condition of backward classes.
- **Article 339** :- Allows Central Government to direct states to implement & execute plans for betterment of SC's & ST's.
- **Article 332**:-It has provision for reservation of seats for SCs & STs in 'Legislative Assembly'

NATIONAL COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

- **National commission** It was set up in 1992 for protection of SCs and STs.

Functions of National Commission for SCs and STs.

- 1. Investigate and examine** all matters relating to the safeguards of SCs and STs.
- 2. Present annual reports** to the central government on working of safeguards of SCs and STs.
- 3. To give recommendations** to central government regarding improving conditions of SCs and STs.
- 4. Take up case of violation** of SCs and STs.
- 5. Look into the complaints** regarding exploitations of SCs and STs.

6. Undertake **special studies or investigation** into specific problems faced by SCs and STs.
7. Undertake **promotional and educational research** for advancement of SCs and STs.
- 8. Participate and advise on planning process** of socio-economic development of SCs and STs.
- 9. Evaluate** the progress of the development of SCs and STs.
10. Make periodic reports of the government matters relating to SCs and STs.

❖ Women

CONSTITUTIONAL AND LEGAL RIGHTS OF WOMEN

I. CONSTITUTIONAL RIGHTS OF WOMEN

1. **Article 14** – Equality before law and equal protection of law of the country.
2. **Article 15(1)** – No discrimination on the grounds of sex, religion, race, caste, or place of birth.
3. **Article 15(3)** – The state is empowered to make special provisions for women. Positive discrimination in favor of women.
✓ **Example:** reserved seats in bus.

4. **Article 19 (1)(g)** – guarantees right to practice any profession, occupation, trade or business irrespective of sex , religion , race.
5. **Article 23(1)** –Trafficking of women for the purpose of slavery or prostitution is prohibited by law.
6. **Article 39 (a)** – the state to secure for men and women equally the right to an adequate means of livelihood.
7. **Article 39 (d)** – The state to secure equal pay for equal work for Indian men and women.
8. **Article 39 (e)** – The state is required to ensure that the health and strength of women workers.

- 9. Article 42** –The state shall make provisions for securing just and humane conditions of work and maternity relief.
- 10. Article 51A (e)**- It shall be the duty of every citizens of India to renounce practices derogatory to the dignity of women.
- 11. Article 243 D(3)** – 1/3 of the total number of seats to be filled by direct election in every panchayat shall be reserved for women.
- 12. Article 243 T(3)** – 1/3 of the total number of seats to be filled by direct election in e very Municipality shall be reserved for women.

❖ LEGAL RIGHTS OF WOMEN

- 1. Sexual harassment of women at work place (prevention prohibition and redressal) Act 2013:** This will make provisions that there is no sexual harassment against women at workplaces both in public and private sector.
- 2. protection of women form domestic violence act 2005:** to protect women's in India for all forms of domestic violence (Physical, sexual, mental verbal, emotional).
- 3. Pre- conception and pre-natal diagnostic technique (prohibition of sex selection) Act 1994:** To provide for the prohibition of sex selection before and after conception.

4. **National commission for women Act 1990** : for the establishment of a national commission for women to study and monitor all matters relating to constitutional and legal rights and safeguards of women.
5. **Commission of SATI prevention Act 1987** : To provides for more effective prevention of the commission of SATI and its glorification of Women.
 - ✓ **Example** : In 1987, in the village of Deorala in Rajasthan, an 18-year-old married woman named Roop Kanwar was forced to become sati when her husband died after eight months of marriage.
6. **Muslim women (protection of rights of divorce) Act 1986** : to protect rights of Muslim women have been divorced.

- 7. Equal remuneration Act 1976 :** It provides for payment of equal remuneration to both men and women workers for same work. It also prevents discrimination on the ground of Sex.
- 8. Dowry prohibition Act 1961:** prohibits giving or taking of dowry from women after or before marriage.
- 9. Maternity benefits Act 1961** This ensures that women working in establishments for decided time (both before and after childbirth) are entitled to maternity and other benefits.
- 10. Hindu succession act 1956 :** it recognized the rights of women o inherent parental property equally with men.

- 11. Hindu marriage Act 1955** : it provides to equal rights to Indian men and women in respect of marriage and divorce
- 12. Mines Act 1952 and factories Act 1948** : It prohibits the employment of women between 7 P.M to 6A.M in mines and factories.
- 13. Minimum wages Act 1948** : It does not allow discrimination between male and female workers or different wages for them.
- 14. Immoral Trafficking (Prevention) Act 1956** : prevention of trafficking in women and girls for the purpose of prostitution.

FORMS OF VIOLATIONS OF RIGHTS OF WOMEN

1. Rape and Sexual Abuse :

- **Rape** : dangerous crime against women. The maximum number of rape incidents reported in the state of Madhya Pradesh, Delhi is the worst.
- ✓ **Example:** According to the National Crime Records Bureau (NCRB) 2013 annual report, 24,923 rape cases were reported across India in 2012. Out of these, 24,470 were committed by someone known to the victim (98% of the cases).
- **Sexual abuse:** it is undertaken by husband or even in-law family.

2. **Dowry Related Exploitation:** Abuse of brides by in-laws for inadequate dowry before and after marriage.

TOP FIVES STATES WITH MOST NUMBER OF DOWRY DEATH CASES REGISTERED

STATES	DOWRY DEATH CASES REPORTED IN 2015
Uttar Pradesh	2335
Bihar	1154
Madhya Pradesh	664
West Bengal	498
Rajasthan	463

Source- National Crime Records Bureau

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3. lower class, middle as well as upper class.

✓ **Example :** According to a National Family and Health Survey in 2005, total lifetime prevalence of domestic violence was 33.5% and 8.5% for sexual violence among women aged 15–49.

4. **Woes of widows:** The widows face problems like being abused by members of husband's family, widows are not permitted to attend weddings and birth ceremonies, restrictions on clothing, re-marriage is difficult to them .
5. **Sexual harassment at workplace :** abuse by male employer.
6. **Inequality in wages:** the women workers receive less compensation as compared to male workers specially in unorganized sector.

7. **Lack of opportunities for advancement** : In Indian male dominant society, women employees find it difficult to get higher level jobs in the organization.
8. **Women Trafficking** : Girls and women are bought and sold for commercial sexual exploitation or for organ transplant, begging, forced marriage, prostitution.



- https://www.youtube.com/watch?v=MjRcjAkb8_4
- <https://www.youtube.com/watch?v=zFoA27oercE&t=1s>
- <https://www.youtube.com/watch?v=Jb6esCCXPiM>
- https://www.youtube.com/watch?v=MjRcjAkb8_4

Total cases recorded against women in 2020 – 371503

-Decreased by 8.3% over 2019 (405326)

Crime rate –

- 1) Domestic Violence – 30%
- 2) Modesty – 23%
- 3) Kidnapping and abduction – 16.8%
- 4) Rape – 7.5%

UP tops crime against women – 15.2% of total violent crimes in India followed by Maharashtra (10.7%), Bihar (10.4%), West Bengal (10.4%)

❖ **REDRESSAL MECHANISM FOR WOMEN**

NATIONAL COMMISSION FOR WOMEN : It was set up in 1992 under national commission for women Act, 1990 for protection of safeguards of women.

Functions of National Commission for women

- 1. Investigate and examine** all matters relating to the safeguards of women.
- 2. Present annual reports** to the central government on working of safeguards.
- 3. To give recommendations** to central government regarding improving conditions of women .
- 4. Take up cases** of violation of women

5. Look into the complaints regarding exploitation of women.
6. Undertake **special studies or investigation** into specific problems faced by women .
7. Undertake **promotional and educational research** for advancement of women.
8. **Participate and advise on planning process** of socio-economic development of women.
9. **Evaluate** the progress of the development of women.
10. Make a periodic reports to the government matters relating to women.

- Daughters would have equal coparcenary rights in Hindu undivided Family Property (HUF) by virtue of their birth right and could not be excluded from inheritance, irrespective of whether they were born before 2005 amendment to the Hindu Succession Act 1956.

❖ Children

<https://www.youtube.com/watch?v=HCYLdtug8sk>

Meaning : an individual is considered as child who has not attained the age of 15 years.

CONSTITUTIONAL AND LEGAL RIGHTS OF CHILDREN

I. CONSTITUTIONAL RIGHTS :

- 1. Article 21(A)** - Right to free and Compulsory Education for all children in the age 6-14 years.
- 2. Article 24** – No child below the age of 14 years shall be employed to work in factory or mine.
- 3 Article 39(e)** – Right to be protected from being abused and forced to enter into occupations unsuited to their age.

4. Article 39(f) – Right to equal opportunities and facilities to develop in healthy manner and in conditions of freedom.

5. Article 45 – The state shall provide early childhood care and education for all children until they complete the age of 6 years.

6. Article 51 A(k) – Provides opportunities for education by the parent or guardian to his child or ward.

7. Article 23 - Trafficking of children for the purpose of slave or prostitution is prohibited by law.

II. LEGAL RIGHTS OF CHILDREN:

- 1. The protection of Children from Sexual offences Act, 2012 :** To protect children from sexual assault, sexual harassment and pornography.
- 2. The Right of children to Free and Compulsory Education Act,2009 :** To provide for quality education for all children between the ages of 6-14 years.
- 3. Prohibition of Child Marriage Act, 2006:** according to this Act a child is a male who has not completed 20 years of age and female who has not completed 18 years are not allowed for marriage.
- 4. Child labor (prohibition and regulations) Act 1986 :** This act prohibits children from working any occupations such as: Catering, Construction work , Plastic factories, Automobile garages.

- 5. The Bonded Labor System (Abolition) Act 1976 :** this Act is concerned with the illegality of slave or bonded labor with reference to both adults and children's.
- 6. Hind adoption maintenance Act 1956:** This applies to all Hindus, Sikh, Jain, Buddhist. Child can be adopted under this Act.
- 7. Infant milk substitutes and feeding bottle and infant foods Act 1992 :** It promotes breast feeding of new born children's or infants and ensure infant foods are regulated and used appropriately.
- 8. Immoral traffic prevention Act 1986 :** to prevent trafficking of children's.
- 9. The guardians and wards Act 1890 :** this Act applies to Muslim, Christian , Parsi they can't go for full adoption of child but they can take only guardianship of children.
- 10. Factories Act 1948 :** The Act prohibits the employment of children below the age of 14 years in any factory.

❖ FORMS OF VOILATION OF HUMAN RIGHTS OF CHILDREN

1. Physical abuse : it takes place when child is physically harmed or tortured .

Example: Beating with sticks, rods , Burn marks



2. Emotional abuse : it refers to failure to provide supportive environment by parents and employer to the child.

Example : Restricting movement, threatening, scaring, discriminating.



3. Sexual abuse : It takes place when child is engaged in any sexual activity .

Example: using child for pornography , prostitution , unlawful sexual practices



4. Negligent treatment : It is purposeful omission of developmental needs of child by caregivers with intention to harm child.

5. Child labour : when child used for employment purpose.

Example : as per 2011 Census India has 4.4 million child labor in the age group of 5 – 11 years.



6. Female Feticides: a gender-selective abortion where a female fetus is illegally terminated solely based on the reason that the fetus is a girl.

Example : as per 2011 Census, sex ratio (0- 6 years) is 914 females and 1000 males

- 7. Cyber crimes against children :** online sexual abuse, blackmail, extortion , emotional harassment.



- 8. Forced marriage :** Forced marriage is a marriage in which one or more of the parties is married without their consent or against their will.



- 9. Violations of rights of girl child :** The rights of girl child is violated by not giving proper education , proper health and nutrition.



<https://www.youtube.com/watch?v=CVJypjuSDJc>

REDRESSAL MECHANISM FOR CHILDREN

- The National Commission for Protection of Child Rights is a statutory body set up in 2007 under Commissions for Protection of Child Rights Act, 2005,
- Objective of this commission is to protect, promote and defend the child rights in India including the rights adopted in the United Nations Convention on the Rights of Children, 1989, ratified by India in 1992.
- This convention defines child as a human being below 18 years of age.
- **Composition of the Commission**
- This commission has a chairperson and six members of which at least two should be women.
- All of them are appointed by Central Government for three years.

- The maximum age to serve in commission is 65 years for Chairman and 60 years for members.
- The Central Government can remove the Chairperson from his office on the ground of proved misbehavior or incapacity.
- The Chairperson of NCPCR should be a person of eminence who has done outstanding work on promoting the child rights.

- **Functions of the Commission:-**

- The functions of the Commission are as follows:
 1. It examines and reviews the safeguards provided by the laws for protection of child rights and recommends measures for the same to government. It can submit a report annually or as it deems fit, for recommendation of these measures.

2. It can inquire into the violation of child rights and recommend initiation of proceedings in these cases. While inquiring into any such matter, the NCPCR has powers of a civil court trying a suit and in particular in respect of the following matters: -

- Summoning and enforcing the attendance of any person and examining him on oath
- Requiring the discovery and production of any document
- Receiving evidence on affidavits
- Requisitioning any public record from any court or office
- Issuing summons for the examination of witnesses or documents.

- However, National Commission is prohibited from inquiring into any matter which is pending before a State Commission for Protection of

3. To study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation.
4. To undertake and promote research in the field of child rights.
5. To spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights.
6. To inspect any juvenile custodial home or any other place of residence or institution (under the control of the Central Government or any state government or any other authority, including any institution run by a social organization) where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action.

7. To inquire into complaints and take suo moto or suo motu notice of matters relating to:-
 - Deprivation and violation of child rights
 - Non-implementation of laws providing for protection and development of children and
 - Non-compliance of policy decisions or instructions aimed at mitigating hardships
 - Ensuring welfare and providing relief to children.

8. To perform such other functions as it may consider necessary for the promotion of child rights.

Functions Assigned under RTE Act, 2009

- The Right to Education (RTE) assigns following duties to NCPCR:-
 - a) To examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation.
 - b) To inquire into complaints relating to the child's right to free and compulsory education;
 - c) To take necessary steps after completion of an inquiry.

Functions Assigned under POCSO Act, 2012

- The commission has been given following functions under Protection of Children from Sexual Offences (POCSO) Act, 2012: -
 - a) To monitor the implementation of the provisions of the POCSO Act
 - b) To monitor the designation of Special Courts by state governments;
 - c) To monitor the appointment of Public Prosecutors by state governments,
 - d) To monitor the formulation of the guidelines described in the Act by the state governments etc.

Working of the Commission

- The Commission may take any of the following steps upon the completion of an inquiry:
 - a) It may recommend to the concerned government or authority the initiation of proceedings for prosecution or such other suitable action against the concerned person.
 - b) It may approach the Supreme Court or the High Court concerned for the necessary directions, orders or writs.
 - c) The Commission may recommend to the concerned government or authority for the grant of necessary interim relief to the victim.
 - d) The Commission submits its annual or special reports to the Central Government and to the state government concerned. These reports are laid before the respective legislatures, along with a memorandum of action taken on the recommendations of the Commission and the reasons for non-acceptance of any of such recommendations within one year.

❖ ELDERLY PERSONS

<https://www.youtube.com/watch?v=ekLjnHtwPc8>

CONSTITUTIONAL AND LEGAL RIGHTS OF ELDERLY PERSONS

I. CONSTITUTIONAL RIGHTS

1. **Article 41** – It directs states to make effective provisions for securing right to work and public and public assistance in certain cases which includes old age.
2. **Article 46** – It directs the state to protect the economic interest including elderly persons.



II. LEGAL RIGHTS

- 1. Hindu Adoption and Maintenance Act, 1956 :** under section 20 of This Act, parents are entitled to receive compensation from son as well as daughter if they are unable to maintain themselves.
- 2. Muslim personal law :** under this law, both son and daughter are bound to maintain their parents who are poor.
- 3. Christian and Parsi Law:** No provisions for maintenance of are mentioned under this law. The Cristian and Parsi parents who wish to seek maintenance from their children have to claim under code of criminal procedures .

4. Maintenance and welfare of parents and senior citizens

Act, 2007 : It protect life and property of the senior citizens

Important provisions of the Act are :

- A childless senior citizens can claim maintenance from any relative who posses his property.
- The maximum maintenance allowance should not exceed 10000 per month. Provision of imprisonment if person defaults in payment of maintenance
- Establishment of old age home in each district o shelter 150 senior citizens.
- A senior citizens can cancel the transfer of property by will.

❖ **FORMS OF VIOLATIONS OF ELDERLY PERSONS**

1. Abuses and insults by children and other members of the family.
2. False implications in court cases, especially in dowry related matters by daughter- in –law.
3. Denial of proper food, medical care and shelter.
4. Threats to life for not meeting the demand of the children such as in the case of sale of property.
5. Extracting physical labour from parents.

6. Denial of share in the sale proceeds of ancestral property .
7. Physical assault by sons, daughters, daughter –in – laws and even grand children.
8. Murders of getting property from elderly.
9. Forcing the elderly parents to beg on the streets.
10. Denial of access to the elderly parents to enter their homes.

<https://www.youtube.com/watch?v=EyMHhELsu-0>

Current Programmes and policies for the elderly in India

- Integrated Programme for Older Persons (IPOP)
- Rashtriya Vayoshri Yojana (RVY)
- National Old Age Pension Scheme (NOAPS)
- Varishtha Pension Bima Yojana (VBPY)
- The Pradhan Mantri Vaya Vandana Yojana (PMVVY)
- National Programme for the Healthcare of Elderly (NPHCE)
- Provisions made by the Ministry of Railways , Home Affairs, Civil Aviation and Finance

❖ MINORITIES

Minority status is given to certain groups mainly based on culture, religion, language and gender.

CONSTITUTIONAL AND LEGAL RIGHTS OF MINORITIES

- In the ‘**common domain**’, the following fundamental rights and freedoms are covered:-
1. Article 14 - People’s right to ‘equality before the law’ and ‘equal protection of the laws’.
 2. Article 15 (1) & (2) - Prohibition of discrimination against citizens on grounds of religion, race, caste, sex or place of birth.
 3. Article 15 (4) Authority of State to make ‘any special provision for the advancement of any socially and educationally backward classes of citizens’ (besides the Scheduled Castes and Scheduled Tribes).

4. Article 16(1) & (2) - Citizens' right to 'equality of opportunity' in matters relating to employment or appointment to any office under the State - and prohibition in this regard of discrimination on grounds of religion, race, caste, sex or place of birth.
5. Article 16 (4) - Authority of State to make 'any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
6. Article 25 (1) - People's freedom of conscience and right to freely profess, practice and propagate religion - subject to public order, morality and other Fundamental Rights.
7. Article 27 - Prohibition against compelling any person to pay taxes for promotion of any particular religion.

- Article 28 - People's freedom as to attendance at religious instruction or religious worship in educational institutions' wholly maintained recognized, or aided by the State.
- Article 26 - Right of 'every religious denomination or any section thereof subject to public order, morality and health - to establish and maintain institutions for religious and charitable purposes, "manage its own affairs in matters of religion', and own and acquire movable immovable property and administer it 'in accordance with law.

➤ **'Separate Domain' of Minority Rights**

- The Minority Rights provided in the Constitution which fall in the category "Separate Domain' are as follows:-
- Article 29 (1) Right of 'any section of the citizens' to 'conserve' its 'distinct language, script or culture'.

- Article 29 (2) Restriction on denial of admission to any citizen, to any educational institution maintained or aided by the State, ‘on grounds only of religion, race, caste, language or any of them.
- Article 30 (1) Right of all Religious and Linguistic Minorities to establish and administer educational institutions of their choice.
- Article 30 (2) - freedom of Minority-managed educational institutions from discrimination in the matter of receiving aid from the State.
- Article 347 - Special provision relating to the language spoken by a section of the population of any State.
- Article 350A - provision for facilities for instruction in mother-tongue at primary stage.
- Article 350B - Provision for a Special Officer for Linguistic Minorities and his duties.
- Article 25 - Sikh community’s right of ‘wearing and carrying of kirpans’.

FORMS OF VIOLATIONS OF RIGHTS OF MINORITIES

1. **Problem of Discrimination:** In certain areas, minority communities are discriminated on the grounds of religion .
2. **Problem of communal violence:** fundamentalist spreads rumors that lead to communal violence.
3. **Problem of customs:** Every community has their own customs but when they practiced it other community oppose it.
4. **Problem of Employment :** Discrimination at work place. Some company's may not prefer for employment certain communities.
5. **Problem of Poverty:** In some communities, there is lack of attention to educational and health of its members particularly women .

❖ REDRESSAL MECHANISM FOR MINORITIES

NATIONAL COMMISSION FOR MINORITIES

- The National Commission for Minorities (NCM) is a body constituted by the Government of India to safeguard the constitutional and legal rights of the minorities.
- Essentially the minorities in India consist of followers of all - religions other than Hinduism and weaker sections in the Hindu - community.
- The statutory National Commission for Minorities came into existence in 1993 under The National Commission for Minorities Act, 1992.
- The NCM adheres to the UN Declaration of 18 December 1992 which states : that “States shall protect the existence of the National or Ethnic, Cultural, Religious and Linguistic identity of minorities within their respective territories and encourage conditions for the promotion of that identity.”

Constitution of the Commission:

- The Central Government shall constitute a body to be known as the National Commission for Minorities to exercise the powers conferred on, and to perform the functions assigned to, it under The National Commission For Minorities Act, 1992 Act.
- The Commission shall consist of a chairperson, a vice-chairperson and five members to be nominated by the Central Government from amongst persons of eminence, ability and integrity; provided that five members including the chairperson shall be from amongst the minority communities.

Functions:

- The Commission has the following functions:
 1. Evaluate the progress of the development of Minorities under the Union and States.

2. Monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures
3. Make recommendations for the effective implementation of safeguards for the protection of the interests of Minorities by the Central Governments or the State Governments.
4. Look into specific complaints regarding deprivation of rights and safeguards of the minorities and take up such matters with the appropriate authorities.
5. Undertake studies or surveys into problems arising out of any discrimination against minorities and recommend measures for their removal;
6. Conduct studies, research and analysis on the issues relating to socioeconomic and educational development of minorities;
7. Suggest appropriate measures in respect of any minority to be undertaken by the Central Government or the State Governments;

8. Make periodical or special reports to the. Central Government on any matter pertaining to minorities and in particular difficulties confronted by them;
9. and Any other matter which may be referred to it by the Central Government.

Powers:

The Commission has the following powers:-

- Summoning and enforcing the attendance of any person from any part of India and examining him on oath.
- Requiring the discovery and production of any document.
- Receiving evidence on affidavit.

❖ PERSONS WITH DISABILITY

Meaning : The person with Disabilities Act ,1995 defines “ disability” as blindness, low vision, hearing impairment, loco motor disability , mental retardation and mental illness.

CONSTITUTIONAL AND LEGAL RIGHTS OF DISABLED PERSONS



I. Constitutional Rights :

- 1.** **Article 14** guarantees that all citizens equality before the law and equal protection under the laws of the country.
- 2.** **Article 15(1)** states that “ the state shall not discriminate against any citizens on grounds of religion, race, castes, sex or place of birth”.

3. **Article 15(2)** states that every person shall have equal access to public places like public places like parks, museum, wells, bathing Ghats, Temples maintained out of state funds.
4. **Article 17** relates to abolition of untouchability being practiced in society including disabled persons.
5. **Article 21** guarantees the life and liberty of every person.
6. **Article 23** - Trafficking of disabled persons for the purpose of slave or prostitution is prohibited by law.
7. **Article 25 (1)** - Freedom to freely practice religion.
8. **Article 29 (2)** provides that no person is denied admission into any institution wholly or partially maintained by the State on the grounds of religion, race , caste and language.

9. **Article 32**- Every disabled person can move to the supreme court of India to enforce his fundamental rights.
10. **Article 38** - The State **shall strive to promote the welfare** of the people (including the disabled persons) by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.
11. **Article 45** – the state to provide free and compulsory education for all children including the disabled.
12. **Article 24** - prohibits employment of children including the disabled.

II. Legal Rights

The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999

- provides for the establishment of an institution for the welfare of people with autism, cerebral palsy, mental retardation and multiple disabilities.

The Act

- 1) gives direction for the care and protection of persons with these disabilities in the event of death of their parents,
- 2) procedures of appointment of guardians and trustees for persons in need of such protection and
- 3) to provide need based services in times of crisis to the families of the disabled.

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

- is the principal and comprehensive legislation concerning disabled persons.
- The Act defines the responsibilities of the Central and State govt. with regard to the services for disabled persons.
- Provisions have been made in this Act for the prevention of disabilities, protection of rights, provision of medical care, education, training, employment and rehabilitation of disabled persons.
- The Act also recommends creating a barrier free environment by removing all type of discrimination against persons with disabilities where they can share the development benefits which a normal person enjoys.

The Rehabilitation Council of India Act, 1992

- was passed to regulate the man power development programmes in the field of education of persons with special needs.

The main objectives are

- 1) to regulate the training policies and programmes in the field of rehabilitation of people with disabilities,
- 2) to standardize training courses for rehabilitation professionals,
- 3) to recognize institutions / universities running degree/diploma/certificate courses in the field of rehabilitation of the disabled and
- 4) to recognize and equalize foreign degree /diploma/ certificate courses.

The RCI Act has amended in 2000 to entrust the additional responsibility of promoting research in rehabilitation and special education.

The National Policy on Education 1986

- is implemented to achieve the goal of providing education to all including the disabled.
- The objective of this policy is to integrate the physically and mentally handicapped with general community as equal partners to prepare them for normal growth and to enable them to face life with courage and confidence.

The Workmen's Compensation Act, 1923 Section 3

- states that, if personal injury is caused to a workman by accident arising out of or in the course of his employment, his employer shall be liable to pay compensation.
- The compensation depends upon the nature of disability (permanent disability or temporary disability.)

Employees' State Insurance Act, 1948, Section 46(c)

- states that periodical payment shall be made to an insured person suffering from disablement as a result of an employment injury sustained as an employee under this Act.
- The employee has to be certified to be eligible for such payments by an authority specified in this behalf by the regulations.

The Payment of Gratuity Act, 1972

As per Section 4 of this Act, gratuity shall be payable to an employee on the termination of his employment on his death or disablement due to accident or disease, if he has rendered continuous service of five years.

The Legal Services Authorities Act, 1987

which was amended as **The Legal Services (Amendment) Act 2002**, provides for legal services to the disabled persons.

The Mental Health Care Act, 2017

- This Act was passed in April 2017 provides for mental healthcare and services for persons with mental illness and to protect, promote, and
- fulfill the rights of such persons during delivery of mental healthcare and services and for matters connected therewith or incidental thereto.

https://www.youtube.com/watch?v=Rswzv_AR5ho

<https://www.youtube.com/watch?v=j5mnmOKOhM>

❖ FORMS OF VIOLATIONS OF RIGHTS OF DISABLED PERSONS

1. People with disability face **sexual abuse** .
2. **Bad treatment** by caregivers or family members.
3. Children with disability are **discouraged from attending school** due to lack of adequate resources.
4. In institutions, they are abused by practice like **medical surgeries** , **electroshock treatment** without their consent .
5. Within Institutions, people with disabilities may be **neglected** , inadequate care is given to them .

NATIONAL HUMAN RIGHTS COMMISSION

- The Government of India passed the Protection of Human Rights Act 1993.
- This Act recommended for the setting up of a National Human Rights Commission along with State Human Rights Commission in States; and Human Rights Courts.
- These organizations were to work for the protection and promotion of human rights.

Constitution of a National Human Rights Commission

- The Central Government shall constitute a body to be known as the National Human Rights Commission to exercise the powers conferred upon

- b) (b) one Member who is or has been a Judge of the Supreme Court;
- c) (c) one Member who is or has been the Chief Justice of a High Court;
- d) (d) two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
- e) (e) The Chairperson of the National Commission for Minorities,
- There shall be a Secretary-General who shall be the Chief Executive Officer of the Commission and

Functions of the Commission

- The Commission shall perform all or any of the following functions, namely:
 - a) Inquire, suo motu (on its own) or on a petition presented to it by a victim or any person on his behalf [or on a direction or order of any court] into complaint of:
 - violation of human rights or abetment thereof; or
 - negligence in the prevention of such violation by a public servant;
 - b) Intervene in any proceeding involving any

- d) Review the safeguards provided by or under the Constitution or any law for the protection of human rights and recommend measures for their effective implementation;
- e) Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- f) Study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- g) Undertake and promote research in the field of human rights.

STATE HUMAN RIGHTS COMMISSION

- A State Government may constitute a commission called ‘(name of the State Human Rights Commission’, under the ‘Protection of Human Rights Act 1993.
- The State HRC shall exercise the powers conferred upon and perform the functions assigned in respect of promoting and protecting human rights.
- **Composition of the Commission**
- The State Commission shall consist of:
 - a) A Chairperson who has been a Chief Justice of a High Court;

- There shall be a Secretary who shall be the Chief Executive Officer of the State Commission and shall exercise such powers and discharge such functions of the State Commission delegated to him.
- Two or more State Governments may, with the consent of a Chairperson or Member of a State Commission, appoint such Chairperson or, as the case may be, such Member of another State Commission simultaneously if such Chairperson or Member consents to such appointment:

Protection of action taken in good faith

- **No suit or other legal proceeding shall lie against the Central Government, State Government, National Commission, the State Commission or at Member thereof or any person acting under the direction either of the Central Government, State Government, Commission or the State Commission in respect of anything which**